IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.906 OF 2005
IN
WRIT PETITION NO.3859 OF 2004

Shri Dayaram Karappa Sawant ...Applicant/
Petitioner

Vs.

The Deputy Director of Education & Ors....Respondents

Mr.S.G.Kudle for Applicant/Petitioner
Mr. C.R. Sonawane, A.G.P. for Respondents

CORAM: H.L.GOKHALE &
SMT.R.S.DALVI,JJ.
DATED: 12TH AUGUST, 2005

P.C.

1. Heard Mr. Kudle in support of this Petition. Mr. Sonawane, A.G.P. appears for Respondents 1 and 2. Other Respondents are served.

2. The Civil Application prays that the Applicant be paid his current salary. The Applicant claims to be working in the Respondent No.3 College. A reply has been filed to this Civil Application but that apart if we see the reply which was filed by one Mr.Mali, Education Officer (Secondary) affirmed on 17th January 2005 to the main Writ Petition (which was filed in view of the order dated 6th December 2004 passed by the High Court, Bombay), it is seen that the Petitioner is senior over the three persons who are added Respondents i.e. Mr. Ahire, Mr.Wagh and Mr.Khairnar. Petitioner has been given an approval

way back on 2nd May, 2001 but he has been working from 1995 initially on clock-hour basis and from 1996-97 onwards on a full time basis. It is his case that he is working in the College prior to the Shikshan Sevak Scheme coming in force.

3. The stand of the Government Officers is that he has been approved subsequent to the Shikshan Sevak Scheme. However Mr.Kudle points out that the Petitioner is not being paid salary even as Shikshan Sevak, though according to him he is entitled to the regular salary since he is senior over the above referred three persons who have been paid regular salary.

4. Having seen the record we cannot but accept the averments made by Mr. Kudle. That being so we direct the Respondents to start paying salary to the Petitioner as prayed in his application from the date of the application which is filed on 10th March, 2005. We expect the Respondents to clear the arrears until the end of the month of July, 2005 to be paid at the end of September, 2005. As far as salary of the month of August, 2005 is concerned it shall be paid in the month of September, 2005. There after monthly salary to be paid regularly. Civil Application allowed.

(H.L.GOKHALE,J.)

(SMT.R.S.DALVI,J.)